

The London Borough of Merton

Article 4 Direction: withdrawal of permitted development rights for the change
of use from office to residential uses

Statement of Consultation

January 2014

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Introduction:

1. Between 04 December 2013 and 15 January 2014, in accordance with Department of Communities and Local Government (DCLG) guidance¹ Merton Council consulted on the withdrawal of permitted development rights from offices to residential uses via an Article 4 Direction
2. The council produced this document, a 'Statement of Consultation', to demonstrate that the council has exceeded the minimum consultation requirements for introducing an Article 4 Direction.

¹ DCLG Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5679/2160020.pdf

Background:

3. On 30 May 2013, the Government introduced permitted development rights to allow offices (Use Class B1a) to convert to residential uses (Use Class C3) without the need for planning permission for a period of three years through a process known as “prior approval”.
4. In order to help retain and encourage jobs and businesses in the borough, the council would like to remove permitted development rights for the conversion of offices into residential uses for Wimbledon town centre and Merton’s major industrial areas under an Article 4 Direction.
5. On 25 November 2013, Merton Council made a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”).
6. The Direction withdraws the permitted development right granted by Class J Part 3 Schedule 2 of the Order for development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling house) of the Schedule to the Use Class Order from a use falling within B1 (a) (offices) of that Schedule.
7. The effect of the Direction is that once it comes into force, permitted development rights for this type of development are withdrawn and that planning permission will therefore be required for change of use from offices to residential uses. The council considers that this Article 4 Direction is essential in order to protect local amenity and ensure proper planning in the area, in particular the council’s ability to prevent loss of uses which contribute to the wider strategic aims for the area.
8. The Direction relates to Wimbledon town centre and the following designated industrial areas: Willow Lane, Garth Road, South Wimbledon (Morden Road), Durnsford Road, Dundonald Road, Plough Lane and Prince George’s Road (Colliers Wood).

Consultation methods

9. DCLG's guidance sets out the steps required to be undertaken by the local authority from 'making' an Article 4 Direction to it becoming 'in-force'. Appendix D sets out the minimum requirements that are required to be undertaken by a local authority during this consultation.
10. The consultation was widely publicised to ensure the council reached as many occupants and occupiers of the affected areas as possible.
11. In accordance with paragraph 3, 3.1 and 3.2 of DCLG's guidance, this included:
 - **Letters** being sent to the addresses of circa 1,800 of owners/ occupants in Wimbledon town centre and Willow Lane, Garth Road, South Wimbledon (Morden Road), Durnsford Road, Dundonald Road, Plough Lane and Prince George's Road (Colliers Wood) that might be effected by this Article 4 Direction. All the addresses on Merton's Geographic Information System (GIS), which is updated regularly, were sent letters.

The cost of doing a land registry search to confirm ownership details in each case is considered prohibitive given the number of properties within the area to which the Direction relates. It is considered that the number of owners and occupiers within the area to which the Article 4 Direction relates makes individual service impracticable.

As stated clearly in these letters, under the section '*Further Information*,' we sent letters to all owners/ occupiers of premises in the Article 4 locations (where practicable) except the owners/ occupiers of houses of flats or houses. The reason for excluding residential properties is that owners or occupiers of houses or flats in these areas will not be affected by this proposed change as these buildings are already in residential use. Please see Appendix 1a to view the letter that was sent to occupiers/ owners.

- Publishing a **notice** in the **Local Guardian Newspaper** (Wimbledon and Mitcham and Morden) about this Article 4 Direction. Please see Appendix 1b to view this local advertisement that was placed in the Local Guardian Newspaper.
- Putting a minimum of **two site notices** in the boundary of areas that would be affected by this Article 4 Direction. For all sites (except Dundonald Road), more than 2 sites notices were put up on the site and for larger sites such as Willow Lane circa 8 notices were displayed throughout the site. Due to accessibility issues (the site is a gated employment site), only two sites notices were put up directly outside Dundonald Road Industrial Estate. Please see Appendix 1c to view this site notice.
- **Notification was sent to Secretary of State** on the same day that notice of the Article 4 was published on 04 December 2013 stating that an Article 4 Direction was recently made. The

council included in the notification email, a copy of the direction (including a map defining the area/ site to which the Article 4 relates) as well as a copy of the local consultation notices (including letters sent to owners/ occupiers and the notice advertised in the Guardian and on-sites). Please see Appendix 1d to view this.

12. In addition to meeting these minimum consultation requirements, the council:

- **Provided a dedicated webpage** for the consultation on the council's website with publicly accessible links to the; Article 4 Direction and Maps, detailed boundary maps (so that people could zoom in at the areas more clearly), notification letters sent to the owners/ occupiers of the property, Merton's Cabinet Report dated September 2013 (stating the reasons for considering an Article 4 Direction to prevent offices from converting to residential uses) and the Equalities Impact Assessment Statement (December 2013). Please use the following link to access this webpage: www.merton.gov.uk/article_4_2_directions
- Made publicly available **the consultation documents at Merton's reference libraries** (Donald Hope [Colliers Wood]), Mitcham, Morden, Raynes Park, West Barnes and Wimbledon libraries), including West Barnes Library, where key consultation documents were displayed including the Article 4 Direction and Maps, notification letters sent to the owner/occupiers of the property, notice advertised in the Local Guardian and put on-site, Merton's Cabinet Report (September 2013) and the Equalities Impact Assessment (December 2013). Some libraries provided dedicated areas for people to view the documents.
- **Ensured that council officers were available** throughout standard office hours to answer queries both in person and via phone and email.

13. As the last site notice was put on-site on Friday, 06 December 2013, the consultation date was extended by a week to ensure that the council met its statutory requirements and to allow residents or business occupiers/ owners more time to submit their representations. Furthermore, to accommodate further stakeholders who wished to submit late submissions, the council accepted consultation responses up to Thursday, 06 February 2014.

14. Therefore the consultation extended to a nine week period; this is more than required by the DCLG's Article 4 guidance.

Response to Merton's Article 4 Consultation

15. Over the nine week consultation period, the council received 16 emails from consultees (including representations). However, some of these emails were not formal representations and were only general queries about the Article 4 Direction. As a result of one query, a more detailed map of the areas that would be affected by the Article 4 Direction was published on Merton's dedicated website.

16. Of the 16 emails received, 13 contained representations relating to Merton's Article 4. The respondents were:

- Mr. A Orge :Business Owner
- Mr. D Agustus :EURONIMMUN UK Ltd
- Mr. D Cooper :Resident
- Ms. D Sterck :Merton Chamber of Commerce
- Mr. G Willins :Willow Lane BID
- Ms. H Clark Bell :Love Wimbledon BID
- Mr. H Mays :Wimbledon Society
- Ms. I Wooller :Resident
- Ms J Clarke :Milner School
- Ms. Pat A Simcox :Met Police – Designing Out Crime Officer
- Ms. S Williams :Economic Development Team, Merton Council
- Ms. L Mitchell :South Wimbledon Business Area
- Ms. S Etheridge :EDE'S

17. Though only 13 representations were received, they represented a broad spectrum of interests in these Article 4 Direction areas. Representations were submitted by residents, businesses (including owners and managers), business groups (such as Love Wimbledon BID, Merton Chamber of Commerce and the South Wimbledon Business Area) and other community representatives.

18. Significantly, some of these representations submitted represent more than one person or business views. For instance:

- Merton's Chamber of Commerce (Business Agency) and the Economic Development Team at Merton Council represent and support all businesses in Merton.
- The Love Wimbledon Business Improvement District (BID) represents 420 businesses that are located in Wimbledon town centre.
- Representatives from the South Wimbledon Business Area (SWBA) that represent more than 100 business interests on the South Wimbledon Business Area (Morden Road Industrial Estate).
- The Willow Lane BID which represents more than 200 businesses on the Willow Lane Industrial Estate.

Summary of Main Issues Raised

19. In this section the key issues are summarised. Please see Appendix 2: Summary of Comments Received to view a more detailed summary of the responses received.
20. Out of the total number of representations submitted to the Article 4 Direction consultation, there is an overwhelming support for Merton to introduce this Article 4 Direction. Out of 13 representations received, the majority, 12 representations supported Merton introducing this new Article 4 Direction. This section provides a summary of the key reasons for respondents supporting or failing to support Merton Council introducing this Article 4 Direction.

Support Merton's Article 4 Direction

21. Some representations **object to the introduction of these new PD rights in principal** and consider that despite issues with office vacancies, that **these changes should be decided on a local basis and subject to planning consent**. They would like the council to regain robust planning control over any proposed changes to important parts of the borough's office stock. In addition to retaining office stock for which there is need and maintaining and creating employment opportunities, it is felt that introducing this Article 4 Direction is advantageous for a number of other reasons. For instance, the Met Police stated that Merton's Article 4 Direction would again require planning permission and community consultation for the change of use from offices to residential units. Due to planning permission being required again, this would also ensure that the Met Police can input comments and recommendations Under Section 17 of the Crime and Disorder Act 1998 which places a statutory duty on the Police, Local Authorities and other partner agencies with regard to crime and disorder.
22. Other representations indicated that they were concerned that **these new PD rights were introduced regardless of local designations that protect some areas in local authority areas specifically for maintaining and increasing employment opportunities**. Wimbledon town centre and the industrial estates are designated employment sites. It is clarified that the council should be protecting sites of high employment and that the council choose sites specifically for protection because of their value to Merton in terms of employment and the local economy. There is concern that these changes to the PD rights would have a significant impact on Wimbledon town centre and the designated Industrial Estates.
23. In Wimbledon town centre there is concern that this change to the PD rights is having a detrimental effect on the town centre, as loss of employment land is linked to the reduction in the number of people visiting the town centre and using its facilities. It is highlighted that the vacancy rate of units in Wimbledon town centre is below both the regional and national

average and there is currently unmet demand for high quality office space within Wimbledon town centre. Furthermore, the representation submitted by the Love Wimbledon BID states that they are continually working to minimise the number of vacant units in the town centre.

24. It is emphasised in some representations that designated industrial areas are not suitable sites for residential occupation and would impact on the quality of life of new residents as well as on existing businesses operating in the area. It is considered that the industrial estates operates throughout the night; as they are home to businesses which operate 24hrs and are accessed by vehicles, including HGVs, throughout the night. A further concern is that these new PD rights in industrial estates would impact on any new residents' quality of life, in particular their outlook, access to local facilities, lack of nearby amenity space and hours of work.
25. In addition to this, representations submitted suggest that these new PD rights would **decrease employment opportunities**. There was concern, that these new PD rights will increase the population in Merton while at the same time decrease employment opportunities (the number of employers and jobs available), by pricing commercial premises out of the commercial market. It was noted that although the conversion to residential units would be a short term win for the landowner, the long term impact through the loss of employment land would have a more substantial impact on the local economy.
26. One representation was concerned that the **new PD rights would not allow residential units to be created in sustainable areas nor meet minimum development plan standards for development**. It was considered that the ad hoc conversion of buildings that were designed for office use into housing could be problematic for the following reasons:
 - may not accord with the London Plan standards.
 - issues with car parking, access and servicing.
 - issues with sound proofing & privacy between dwellings and external space.
 - displaced employees may lead to traffic congestion.
 - may not be able to secure affordable housing resulting in the loss of diversity in the local area.
 - may alter the range of local services and shops that can be supported.
27. Moreover, three representations submitted **provided examples of the impact of the new PD rights on employment land for which there is demand**.
28. One company in their submitted representation explained that they moved from the Felnex Trading Estate in Sutton to Merton, as they were a lack of commercial property available to enable them to expand their business. They highlighted that this was a result of a considerable amount of the commercial property being converted into residential uses. They made an offer to purchase Enterprise House on Garth Road with a view to expand their business which would have created more employment opportunities in the borough. However, this offer of purchase was rejected by the site owners stating that they were going to convert the property to residential use.

29. Another representation submitted by a business stated how the recent PD rights change severely affected their lease contract negotiations and weakened their position. Due to a recent planning application, it is likely that their business will have to leave the premises in a much shorter timescale than anticipated originally or desired.
30. Willow Lane BID were also concerned with a planning application for prior approval for change of use of an existing occupied large mixed-use building containing 40 businesses in the centre of Willow Lane for circa 105 residential units and the resulting impact that this proposal may have on the existing business operating from this large designated industrial site. Concerns were raised with:
- the prior approval consultation processes;
 - displacing existing jobs; and,
 - with the limited tools local authorities has available to it to refuse such an application which they think would have a significant detrimental impacts on the operation of existing business (traffic, noise, fumes and hours of operation for example).

Does not support Merton's proposed Article 4 Direction

31. Only one representation submitted, a business owner of two properties in the Lombard Business Estate, **did not support the introduction of this proposed Article 4 Direction**. The reasons provided for urging the council to permit industrial premises to be replaced by low cost apartments includes increases in Business Rates and parking restrictions which make these properties difficult to let. It was further highlighted that most of his business tenants moved out of Merton Industrial Estates.

Overall results

32. Despite this one objection to the council's proposal to introduce an Article 4 Direction, the overwhelming majority of representations, which would represent a large proportion of businesses in Merton, support the introduction of this Article 4 Direction.

Conclusion:

33. The overwhelming majority of representations, which represents a large proportion of businesses in Merton, would support the introduction of this Article 4 Direction. This, in addition to evidence contained in Merton's Cabinet Report (September 2013) and on-going evidence, planning officers recommend for Cabinet and Full Council to resolve to 'confirm' Merton's Article 4 Direction.

Appendices

Appendix 1a: Consultation Documents – Notification sent to occupiers/ owners

ENVIRONMENT AND REGENERATION DEPARTMENT
Chris Lee - Director



(Address1)
(Address2)
(Address3)
(Postcode)

Future Merton
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX

Direct Line: 0208 545 3587

Please Ask For: Claire O' Donovan

Date: 04 December 2013

Dear owner or occupier,

Town and Country Planning (General Permitted Development) Order 1995 (AS AMENDED)

I am writing to inform you of a change to the planning regulations locally.

In May this year, Government decided that the conversion of offices to houses or flats did not require planning permission. However Merton Council wants to ensure that there is space available for local businesses by preventing this from happening in certain parts of the borough, using a planning tool known as an 'Article 4 Direction'. It means that converting an office to a house or a flat in Wimbledon town centre or in Merton's industrial estates will continue to require planning permission and community consultation like it did before May of this year.

The law means we have to write to every owner and occupier where practicable in these areas, even if they are not an owner or occupier of an office. This is so that everyone who could be affected by this change to the rules is notified of the proposed changes. This is why you have received this letter. Where possible, we have excluded occupants of houses or flats from receiving this letter.

The change to the law does not come into force immediately. We would like to hear what you think of this proposal. You may make comments concerning the Article 4 Direction from Wednesday 04 December 2013 to Wednesday 15 January 2014. Comments can be made by email to ldf@merton.gov.uk or posted to: Future Merton, London Borough of Merton, Civic Centre, Morden, SM4 5DX.

I enclose information on the change with this letter. If you are not the owner or occupier of this premises, please make sure that any owner or occupier of this premises has seen this letter.

If you have any queries or would like to receive paper copies of information relating to this Article 4, please contact us on 0208 545 3587 or email: ldf@merton.gov.uk

Yours sincerely

Claire O'Donovan
Planning Officer
Email: claire.odonovan@merton.gov.uk

Further Information

Notice of Direction: Notice is given that the London Borough of Merton made a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to withdraw the permitted development right granted by Schedule 2, Part 3, Class J of the Order for change of use to a use falling within Class C3 (residential) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 from a use falling within Class B1 (a) offices of that schedule.

What is changing? Since 30 May 2013, the conversion of offices to houses or flats has not required planning permission. The Government changed the law to allow this to happen. In Merton we are concerned about the impact this will have in Wimbledon town centre and in the major industrial estates particularly with the retention of existing jobs, attracting new jobs and the provision of services to Merton's residents, workers and visitors. As a consequence, we have decided to use 'planning tools' at our disposal to reverse the Government's decision and reintroduce the need for planning permission for the conversion of offices to houses or flats in these areas only.

What type of building will be affected by this change? The new rules will apply to any premises that are currently offices, whether occupied or vacant. If a property becomes an office in the future, the rules will also apply to that office.

What will be affected? Premises or land in Wimbledon town centre or in the major industrial estates (including Willow Lane, Garth Road, South Wimbledon [Morden Road], Dumsford Road, Dundonald Road, Plough Lane and Prince George's Road [Colliers Wood]) will be affected. Please see enclosed Article 4 Direction with maps which shows that area's that will be affected by this change.

Why have owners or occupiers of houses of flats been excluded from this notification process? The purposes of this proposed change is to inform owners or occupiers who may be affected by this proposed change. Owners or occupiers of houses or flats in these areas will not be affected by this proposed change.

When will the rules change? We are proposing for the regulations to come into force on Thursday, 05 March 2015.

Where can I view the new regulations and further supporting information? The direction, a copy of the map defining the area to which it relates and other supporting information can be seen online at www.merton.gov.uk/planning/article_4_directions and at the following libraries: Donald Hope (Colliers Wood), Mitcham, Morden, Raynes Park, West Barnes and Wimbledon.

If I want to comment on this proposed change, what do I do? You have six weeks to comment starting from Wednesday, 04 December 2013 to Wednesday, 15 January 2014 by post or email as stated in the letter overleaf. You will need to send us any comments you have no later than midnight on Wednesday, 15 January 2014.

I have sent in comments, what will happen next? The council will consider the comments received. Depending on your feedback, the new rules will be introduced by Thursday, 05 March 2015, exactly 12 months after its confirmation.



TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

AS AMENDED

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5 APPLIES

WHEREAS the London Borough of Merton being the appropriate planning authority within the meaning of article 4(4) of the Town and Country Planning (General Permitted Development) Order, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged black on the accompanying plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE

Development consisting of a change of use of a building and any land within its cartilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 from a use falling within Class B1(a) (offices) of that Schedule being development comprised within Class J of Part 3 of Schedule 2 to the said Order and not being development comprised within any other Class.

THE DIRECTION is made under Article 4(1) of the said Order and in accordance with Article 5, shall come into force on the 05th day of March 2015.

Made under the Common Seal of

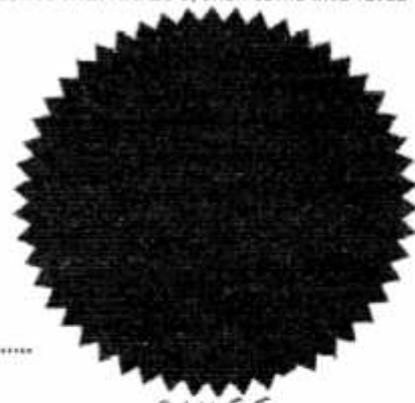
the London Borough of Merton,

this 25 day of November 2013.

The Common Seal of the Council was affixed to this Direction in the

presence of the *C. Haw*

London Borough of Merton Authorised Signatory



Confirmed under the Common Seal of

the London Borough of Merton,

this day of 2015: 2014 *C. Haw*

The Common Seal of the Council was affixed to this Direction in the

presence of the

London Borough of Merton Authorised Signatory.

Appendix 1b: Consultation Documents – Notice in Local Guardian Newspaper

LONDON BOROUGH OF MERTON

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

AS AMENDED

NOTICE OF DIRECTION UNDER ARTICLE 4(1) TO WHICH ARTICLE 5 APPLIES

Notice is given that on 04 December 2013 the London Borough of Merton made a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (“the Order”).

The Direction withdraws the permitted development right granted by Class J Part 3 Schedule 2 of the Order for development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that Schedule.

The effect of the Direction is that once it comes into force permitted development rights for this type of development are withdrawn and that planning permission will therefore be required for change of use from offices (Use Class B1(a)) to residential (Use Class C3).

The Direction related to Wimbledon town centre and the industrial estates at Willow Lane, Garth Road, South Wimbledon (Morden Road), Durnsford Road, Dundonald Road, Plough Lane and Prince George’s Road (Colliers Wood). The direction, a copy of the map defining the area to which it relates and other support information relating to this Article 4 can be seen online at www.merton.gov.uk/planning/article_4_directions and at the following libraries: Donald Hope (Colliers Wood), Mitcham, Morden, Raynes Park, West Barnes and Wimbledon.

Merton’s libraries are open between 9.30am – 7.00pm on weekdays and 9.30am – 5.00pm on Saturdays apart from Donald Hope (Colliers Wood), which is closed on Wednesday and Fridays, and Raynes Park and West Barnes (which are closed on Wednesday). For more information about library opening hours, please view Merton’s website: www.merton.gov.uk/libraries.

You may make representations concerning the Article 4 Direction for a period of six weeks, from **04 December 2013 to 15 January 2014**. Representations can be made by email to ldf@merton.gov.uk or by post to: Future Merton, London Borough of Merton, Civic Centre, Morden, SM4 5DX.

In accordance with Article 5 of the said order it is proposed the Direction shall come into force on the 05 of March 2015.

For further information or to receive paper copies of information relating to this Article 4 please contact Future Merton on 020 8545 4141, 020 8545 3837 or in writing by email: ldf@merton.gov.uk.

Appendix 1c: Consultation Documents – Site Notices

LONDON BOROUGH OF MERTON

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

AS AMENDED

NOTICE OF DIRECTION UNDER ARTICLE 4(1) TO WHICH ARTICLE 5 APPLIES

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The Direction withdraws the permitted development right granted by Class J Part 3 Schedule 2 of the Order for development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that Schedule.

The effect of the Direction is that once it comes into force permitted development rights for this type of development are withdrawn and that planning permission will therefore be required for change of use from offices (Use Class B1(a)) to residential (Use Class C3).

The Direction related to Wimbledon town centre and the industrial estates at Willow Lane, Garth Road, South Wimbledon (Morden Road), Durnsford Road, Dundonald Road, Plough Lane and Prince George’s Road (Colliers Wood). The direction, a copy of the map defining the area to which it relates and other support information relating to this Article 4 can be seen online at www.merton.gov.uk/planning/article_4_directions and at the following libraries: Donald Hope (Colliers Wood), Mitcham, Morden, Raynes Park, West Barnes and Wimbledon.

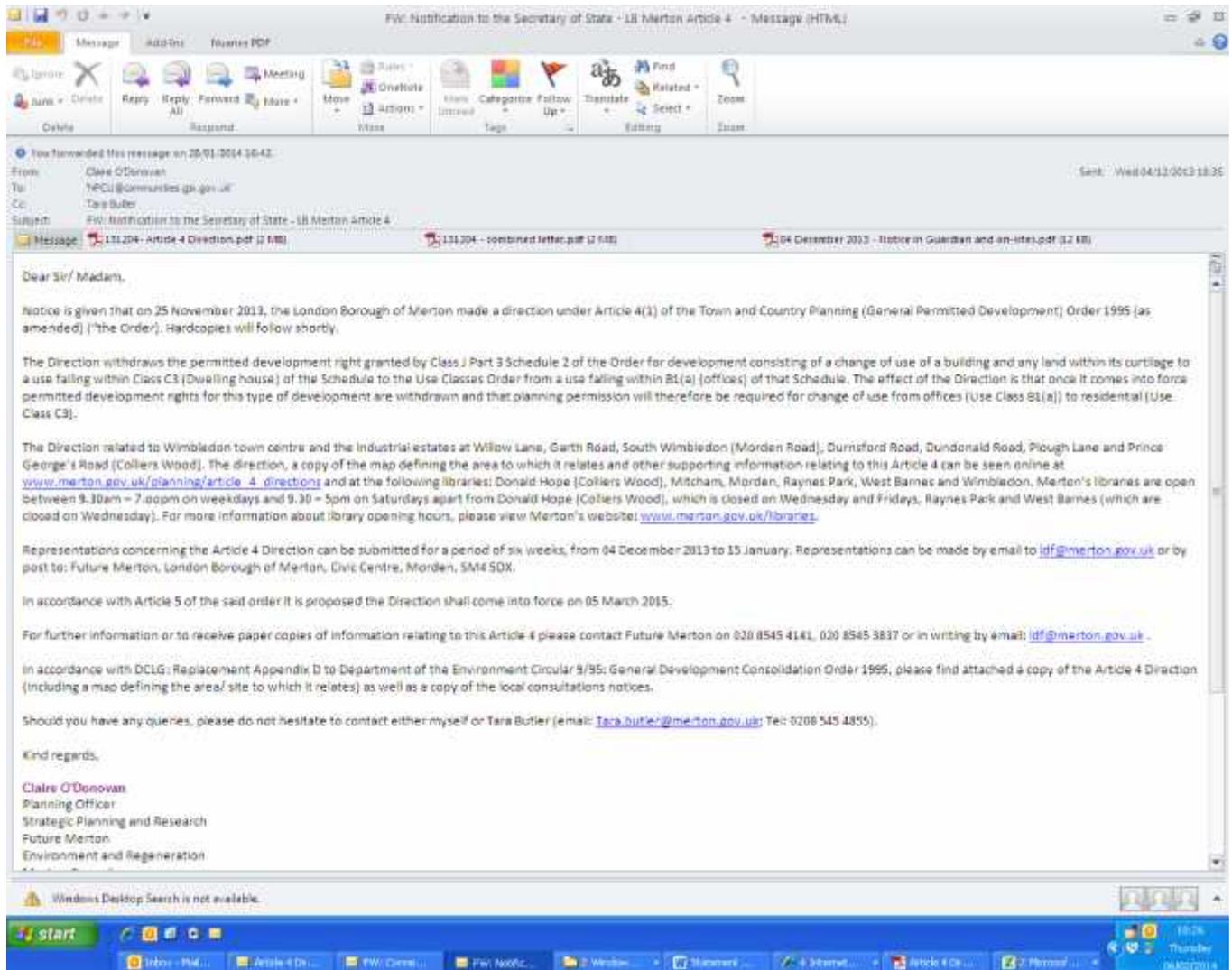
Merton’s libraries are open between 9.30am – 7.00pm on weekdays and 9.30am – 5.00pm on Saturdays apart from Donald Hope (Colliers Wood), which is closed on Wednesday and Fridays, and Raynes Park and West Barnes (which are closed on Wednesday). For more information about library opening hours, please view Merton’s website: www.merton.gov.uk/libraries.

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In accordance with Article 5 of the said order it is proposed the Direction shall come into force on the 05 of March 2015.

For further information or to receive paper copies of information relating to this Article 4 please contact Future Merton on 020 8545 4141, 020 8545 3837 or in writing by email: ldf@merton.gov.uk

Appendix 1d: Consultation Documents – Notification sent to Secretary of State



The screenshot shows an email client interface with a forwarded message. The message header includes the sender's name (Claire O'Donovan), email address (TPOU@communities.gov.uk), recipient (Tara Butler), and subject (FW: Notification to the Secretary of State - LB Merton Article 4). The main body of the email contains the following text:

Dear Sir/ Madam,

Notice is given that on 25 November 2013, the London Borough of Merton made a direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the Order"). Hardcopies will follow shortly.

The Direction withdraws the permitted development right granted by Class J Part 3 Schedule 2 of the Order for development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (Dwelling house) of the Schedule to the Use Classes Order from a use falling within B1(a) (offices) of that Schedule. The effect of the Direction is that once it comes into force permitted development rights for this type of development are withdrawn and that planning permission will therefore be required for change of use from offices (Use Class B1(a)) to residential (Use Class C3).

The Direction related to Wimbledon town centre and the industrial estates at Willow Lane, Garth Road, South Wimbledon (Morden Road); Durnsford Road, Dundonald Road, Plough Lane and Prince George's Road (Colliers Wood). The direction, a copy of the map defining the area to which it relates and other supporting information relating to this Article 4 can be seen online at www.merton.gov.uk/planning/article_4_directions and at the following libraries: Donald Hope (Colliers Wood), Mitcham, Morden, Raynes Park, West Barnes and Wimbledon. Merton's libraries are open between 9.30am – 7.00pm on weekdays and 9.30 – 5pm on Saturdays apart from Donald Hope (Colliers Wood), which is closed on Wednesday and Fridays. Raynes Park and West Barnes (which are closed on Wednesday). For more information about library opening hours, please view Merton's website: www.merton.gov.uk/libraries.

Representations concerning the Article 4 Direction can be submitted for a period of six weeks, from 04 December 2013 to 15 January. Representations can be made by email to ldf@merton.gov.uk or by post to: Future Merton, London Borough of Merton, Civic Centre, Morden, SM4 5DX.

In accordance with Article 5 of the said order it is proposed the Direction shall come into force on 05 March 2015.

For further information or to receive paper copies of information relating to this Article 4 please contact Future Merton on 020 8545 4141, 020 8545 3837 or in writing by email: ldf@merton.gov.uk.

In accordance with DCLG: Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995, please find attached a copy of the Article 4 Direction (including a map defining the area/ site to which it relates) as well as a copy of the local consultations notices.

Should you have any queries, please do not hesitate to contact either myself or Tara Butler (email: Tara.butler@merton.gov.uk; Tel: 0208 545 4855).

Kind regards,

Claire O'Donovan
Planning Officer
Strategic Planning and Research
Future Merton
Environment and Regeneration

Appendix 2: Summary of Comments Received

Respondents	Summary of Comments Received
Mr. A Orge – Business Owner	<ul style="list-style-type: none"> • Does not support Merton’s Article 4 Direction. • Owner of properties in the Lombard Road. • Due to increase in Business Rates and problems with parking that it has become difficult to let these properties. • Highlights difficulties of an industrial park having parking restrictions and with priority given to pedestrian traffic. • Most of their tenants have moved out of Merton Industrial sites. • On this basis urging the council to permit industrial premises to be replaced by low cost apartments.
EURONIMMUN UK Ltd	<ul style="list-style-type: none"> • Fully supports Merton’s Article 4 Direction. • Highlights that the recent change in law severely affect their lease contract negotiations and weakened their position. Due to planning application, it is likely that their business will have to leave the premises in a much shorter timescale than anticipated originally or desired.
Mr. D Cooper – Resident	<ul style="list-style-type: none"> • Supports Merton’s Article 4 Direction. • Considers that any blanket order to permit conversion of commercial premises to domestic residence as undesirable. • Concerned that it will encourage population expansion while at the same time diminishing opportunities for employment by pricing commercial premises out of the commercial market and considers that this is unwise. • Though acknowledges that having vacant offices are another issue, is of the opinion that decisions about vacant commercial premises should be made on a local basis.
Merton Chamber of Commerce	<ul style="list-style-type: none"> • Fully supports Merton’s Article 4 Direction. • As a business agency, they do not want to see a reduction in employment land in the borough (thereby reduction in jobs) without going through the planning process.

Respondents	Summary of Comments Received
Willow Lane BID	<ul style="list-style-type: none"> • Supports Merton’s Article 4 Direction • Concerned with a planning application for prior approval for change of use of an existing occupied large mixed-use building containing 40 businesses in the centre of Willow Lane for circa 105 residential units and the resulting impact that this proposal may have on the existing business operating from this large designated industrial site. Concerns were raised with: <ul style="list-style-type: none"> - the prior approval consultation processes; - displacing existing jobs; and, - with the limited tools local authorities has available to it to refuse such an application which they think would have a significant detrimental impacts on the operation of existing business (traffic, noise, fumes and hours of operation for example).
Love Wimbledon BID	<ul style="list-style-type: none"> • Represent 420 businesses in Wimbledon town centre. • Fully support the Article 4 Direction. • States that the current relaxation of the planning regulations is having a detrimental effect on the town centre; loss of employment land, linked to the reduction in number of people visiting the centre and its facilities. • Highlights that the vacancy rate in Wimbledon town centre is below regional and national averages and are continually working to minimise the number of vacant units; thus having no requirement for a relaxation of the regulations to encourage development. • From their understanding, there is currently unmet demand for high quality office space within Wimbledon town centre. • Highlights that social tension that arises from residents living in the centre of a vibrant town centre does not sit comfortably side by side.
Wimbledon Society	<ul style="list-style-type: none"> • Fully support Merton’s Article 4 Direction. • Highlights that the protection of local employment is important for the areas selected and it should not be arbitrarily lost without formal planning input. This is further supported by the councils Local Plan. • States that the ad hoc conversion of buildings that were designed for office use into housing could be problematic for the following reasons; may not accord with the London Plan standards, issues with car parking, access and servicing, issues with sound proofing & privacy between dwellings and external space, displaced employees may lead to traffic congestion, the loss of diversity in the local area may alter the range of local services and shops that can be supported and lead to knock-on effects and not securing affordable housing. • Considers that if some existing office floorspace is not fit for purpose, this can be carefully evaluated by the council during the planning process.

Respondents	Summary of Comments Received
	<ul style="list-style-type: none"> Hopes that the council will be able to maintain a robust planning control over any proposed changes to important parts of the borough's office stock.
Ms. I Wooller – Resident Milner School	<ul style="list-style-type: none"> Support Merton's Article 4 Direction. Further adds that the conversion of offices into flats should not be permitted development. Support Merton's Article 4 Direction.
Met Police – Designing Out Crime Officer	<ul style="list-style-type: none"> Supports Merton's Article 4 Direction. Merton's Article 4 Direction would mean that planning permission and community consultation are required; this would ensure that the Met Police can input comments and recommendations Under Section 17 of the Crime and Disorder Act 1998 which places a statutory duty on the Police, Local Authorities and other partner agencies with regard to crime and disorder.
Economic Development Team, Merton Council	<ul style="list-style-type: none"> Supports Merton's Article 4 Direction. Highlighted that Wimbledon town centre and the industrial estates are strategic sites of employment. States that the conversion of offices to residential uses must be avoided as it would impact significantly on the number of employers and jobs available. Clarifies that Industrial Estates are not designed to be sites for residential occupation and would impact on any new residents' quality of life, in particular their outlook, access to local facilities, lack of nearby amenity space and hours of work. Further explains that the industrial estates operate through the night and are home to businesses with 24 hours access and lorries transport in and out of the sites through the night, for example, Willow Lane and South Wimbledon Business Park. Point outs that although conversion to residential units would be a short term win for the landowner, highlights that the long term impact through the loss of employment land would have a more substantial impact on the local economy. Clarifies that the council should be protecting sites of high employment and has chosen sites specifically because of their value to Merton in terms of employment and the local economy.
South Wimbledon Business Area	<ul style="list-style-type: none"> Supports Merton's Article 4 Direction. Recognised that they could be a strong case for converting offices to residential units in certain locations. Concluding that converting offices to residential units should be subject to planning consent.

Respondents	Summary of Comments Received
EDE'S	<ul style="list-style-type: none">• Supports Merton's Article 4 Direction.• Emphasised that they moved from the London Borough of Sutton to Merton as there was a lack of commercial property available to enable them to expand their business.• Highlighted that they moved from the Felnax Trading Estate as a considerable amount of the commercial property had been converted into residential use.• Stated that they made an offer to purchase Enterprise House on Garth Road with a view to expand their business which would have created more employment opportunities in the borough.• Clarified that this offer of purchase was rejected by the site owners stating that they were going to convert the property to residential use.• Support Article 4 as this trend will continue due to the financial benefits attached to residential units over commercial property resulting in a severe shortage of commercial properties and drive employment out of the area.

